IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION Nos: 18034 of 2004, 11102 of 2004 & 11842 of 2004:

W.P.No.18034 of 2004:

Between:

V.Rama Chandra, S/o. V. Gangaiah,aged 56 years,
R/o 45, Kothapalli, Irala (M), Kanipakam (V), Chittoor District.

..... PETITIONER

AND

1 The Chairman and Managing Director, APSRTC, Musheerabad,

Hyderabad.
2 The Divisional Manager, APSRTC, Chittoor Region Division, Chittoor

District.
3 The Depot Manager, APSRTC, Chittoor Bus Depot, Chittoor District.
4 The Depot Manager, APSRTC, Palamaner Bus Depot, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in transferring the Petitioners vide his proceedings
dt. 13-9-2004 as illegal, arbitrary, unjust, without jurisdiction and violation of their own circulars and consequently set aside the proceedings dt. 13-9-2004 issued by the 2nd Respondent dt. 13-09-2004.

Counsel for the Petitioner: MR. G.RAVI MOHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

WRIT PETITION No : 11102 of 2004

Between:

1 T.A. Padhmanabham, S/o. t. Krishnayah,aged 48 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

2 C.N. Jyothi, S/o. Natasan Modibar,aged 52 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

3 M. Modhin Khan, S/o. Ameer Khan, aged 52 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

4 T. Thangaraj, S/o. China Swamy,aged 52 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

5 Md. Azam, S/o. S/o. Baba Shaib,49 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

6 M. Palani, S/o. Muthu Nayakar,aged 54 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

7 D. Ganesh, S/o. Dora Swamy Nayakar,aged 55 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

8 S.R.G. Basha, S/o. S. Abdul Rahaman, aged 39 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

9 S.D.V. Prasad, S/o. S. Sambhasiva Rao,aged 41 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

10 K. Masthan, S/o. K.A. Aeez,aged 38 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

11 BR Babu, S/o. Ramaiah,aged 42 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

12 S. Sridhar, S/o. G. Gonindha Rajulu,aged 38 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

13 B. Thulasiram, S/o.B. Venkataswamy, aged 35 years,
C/o. 1st Petitioner, R/o. H.No. 14-791, Goolingspet, Chittoor

District.

..... PETITIONERS

AND

1 The Chairman and Managing Director, APSRTC, Musheerabad,

Hyderabad.
2 The Regional Manager, APSRTC, Tirupathi Region, Chittoor District.
3 The Divisional Manager, APSRTC, Chittoor Division, Chittoor District.
4 The Deptot Manager, APSRTC, Chittoor -I Depot, Chittoor, Chittoor

District.
5 The Deptot Manager, APSRTC, Chittoor -II Depot, Chittoor, Chittoor

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in transferring the Petitioners vide his proceedings dt. 27-8-2002 as illegal, arbitrary, unjust, without jurisdiction and violation of their own circulars and consequently set aside the proceedings issued by the 3rd Respondent dt. 27-8-2002.

Counsel for the Petitioners: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

WRIT PETITION NO : 11842 of 2004

Between:

1 T.V.R. Sastry, S/o. T. Uma Maheswara Rao, 51 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
2 K. Partha Sarathy, S/o. K. Kuppa Swamy,aged 55 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
3 N. Julandur, S/o. K. Nagan,aged 47 years
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
4 M. Gajendran, S/o. M. Poongaranam, aged 50 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
5 A. Vishnumurthy, S/o. Munivednkatappa,aged 51 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
6 A.G.G. Swamy, S/o. G. Gopala Swamyaged 50 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
7 U. Narendra, S/o. U. Rajagopal, aged 40 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.
8 B. Krishnaiah, S/o. B. Gangamandadi,aged 50 years,
R/o. D.No.27-994, Ramnagar Colony, Chittoor, Chittoor District.

..... PETITIONERS

AND

1 The Chairman and Managing Director, APSRTC, Musheerabad,

Hyderabad.
2 The Divisional Manager, APSRTC, Chittoor Division, Chittoor District.
3 The Depot Manager, APSRTC, Palamaner Bus Depot, Chittoor District.
4 The Depot Manager, APSRTC, Kuppam Bus Depot, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of mandamus declaring the action of the 3rd Respondent in transferring the Petitioners vide his proceedings
No.P1/813(20)/2004-PLMR dt. 2-7-2004 as illegal, arbitrary, unjust, without jurisdiction and violation of their own circulars and consequently set aside the proceedings No. No.P1/813(20)/2004-PLMR , dt. 2-7-2004 issued by the 3rd Respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following :

COMMON ORDER:

Heard the arguments of learned Counsel appearing for the petitioners as well as the Standing Counsel for the respondents.

2. It is stated that the second respondent-Divisional Manager, A.P.S.R.T.C. effected the transfers of the petitioners contrary to the Circulars of A.P.S.R.T.C. issued in Circular No.PD-44/1987, dated 20.04.1987 relating to transfers of staff members from one place to another and the Circular No.PD-3/84-85, dated 26.04.1984. Though it is disclosed in the transfer orders of the petitioner that the transfers have been effected on the administrative grounds in view of excess position at the present depots and short position at the transferred depots, the learned counsel appearing for the petitioner submits that the transfer of the petitioners cannot be effected on administrative grounds, as per the guideline No.3 issued in Circular No. PD-44/1987, dated 20.04.1987, which reads as follows:

> **"3. GUIDELINES FOR TRANSFER OF EMPLOYEES ON ADMINISTRATIVE GROUNDS:** Employee is liable to be transferred:
>
> i. Where there are specific adverse reports on the performance like chronic absenteeism, dislocation of services/work.
>
> ii. When an employee is involved in unruly behaviour pending or leading to disciplinary action;
>
> iii. Where an employee is involved in malpractices like money lending or running of private chit funds.

iv. Wherever an employee is involved in an enquiry affecting his integrity or moral turpitide and his continuance is likely to result in tampering of evidence."

3. In the instant case, none of the guidelines mentioned supra under Clauses (i) to (iv) are attracted to effect the transfer of the petitioners. Even the transfer of the petitioner is effected on administrative grounds, the seniority has to be maintained as per the other Circular No.PD-3/84-85, dated 26.04.1984. The said circulars issued by the Managing Director, A.P.S.R.T.C., Hyderabad prevails over the settlement said to have been arrived at the divisional level. The said legal contention and the version of the learned counsel appearing on behalf of the petitioners is not disputed by the learned Standing Counsel appearing for the respondents. Therefore, I am of the view that the transfer of the petitioners is contrary to the circulars issued by the respondents-Corporation.

4. Accordingly, all the three Writ Petition are allowed setting aside the proceedings dated 13-09-2004 issued by the second respondent in W.P.No.18034 of 2004, Proceedings dated 27.08.2002 issued by the 3rd respondent in W.P.No.11102 of 2004 and Proceedings dated 02.07.2004 issued by the 3rd respondent in W.P.No.11842 of 2004, in view of the existing circulars issued by the respondents-Corporation relating to the transfer of staff of A.P.S.R.T.C. There shall be no order as to costs.

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V. ESWARAIAH, J

Dated:10-11-2004.

ccm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Tenth day of November, Two Thousand and Four.

ASSISTANT REGISTRAR

To:

1 The Chairman and Managing Director, APSRTC, Musheerabad,

Hyderabad.
2 The Divisional Manager, APSRTC, Chittoor Region Division, Chittoor

District.
3 The Depot Manager, APSRTC, Chittoor Bus Depot, Chittoor District.
4 The Depot Manager, APSRTC, Palamaner Bus Depot, Chittoor District.

5 The Depot Manager, APSRTC, Kuppam Bus Depot, Chittoor District.

6 The Regional Manager, APSRTC, Tirupathi,Bus Depot, Chittoor

District.

7 The Depot Manager, APSRTC, Chittoor-I Depot, Chittoor, Chittoor

District.

8 The Depot Manager, APSRTC, Chittoor-II Depot, Chittoor, Chittoor

District.

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